

REMARKS / ARGUMENTS

The present application includes pending claims 1-31, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,240,555 ("Shoff"). The Applicant respectfully traverses these rejections at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 102

I. Shoff Does Not Anticipate Claims 1-31

The Applicant first turns to the rejection of claims 1-31 under 35 U.S.C. 102(b) as being anticipated by Shoff. With regard to the anticipation rejections under 102, MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

A. Rejection of Independent Claims 1, 11, and 21

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Shoff does not disclose or suggest at least the limitation of “said announcement is independent of media content that is being displayed on said television screen at the time of said announcement,” as recited by the Applicant in independent claim 1.

The Office Action states the following:

In reference to Claim 1, Shoff teaches a method for providing information related to a broadcast television program (flow charts of Figs. 6, 7, and 9, as introduced in Col. 8 Lines 56-61 and Col. 12 Lines 39-41), the method comprising: generating an announcement, remotely from a user's home, (method of authoring an interactive entertainment program by a content developer, shown in Fig. 9 and described in Col. 12 Line 24-Col. 14 Line 41); delivering said announcement along with the broadcast television program for display on a television screen within the home (supplemental content is carried to the viewer over the same channel as the program, as disclosed in Col. 7 Lines 51-60; with further reference to Step 182 of Fig. 7, as described in Col. 10 Lines 18-58 and Step 254 of Fig. 9, as described in Col. 12 Lines 39-47), wherein the announcement is displayed on the television screen without any input from the user (indication of interactive content is generated at Step 162 of Fig. 6, as described in Col. 9 Lines 3040; with further reference to Icon 204 of Fig. 8a, as described in Col. 9 Lines 41-53); and receiving an input from the user that corresponds to the delivered announcement (decision of viewer to enter interactive mode, as disclosed in Col. 9 Lines 54-59; with further reference to Step 164 of Fig. 6).

See the Office Action at pages 3-4. Shoff discloses an electronic programming guide (EPG) that is executable on a STB processor to organize **programming information**

that is descriptive of the video content programs. More specifically, when a viewer tunes to a particular channel, the viewer computing unit consults the EPG to determine if the present program is interactive. If it is, the viewer computing unit launches an interactive support module, such as an Internet browser. The browser is kept in memory and is dynamically loadable for execution on the processor **when the viewer tunes to a channel carrying a video content program that the EPG identifies as interactive.** See Shoff at col. 2, line 64 – col. 3, line 27. In this regard, the programming content is descriptive of, and is associated with, the corresponding video content for the specific program channel. The interactive support module is launched only if the corresponding channel that the user has tuned to associated with descriptive program information and is designated as “interactive”. Therefore, Shoff’s descriptive program information is not independent of the media content that is being displayed on the television screen. On the contrary, the descriptive program information is descriptive of, and associated with, the corresponding media content.

Therefore, Shoff does not disclose or suggest at least the limitation of “said announcement is independent of media content that is being displayed on said television screen at the time of said announcement,” as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Shoff and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and

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21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20, and 22-31

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(b) as being anticipated by Shoff has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-10, 12-20, and 22-31 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-31.

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CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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